

Message Text

LIMITED OFFICIAL USE

PAGE 01 ISLAMA 05739 161248Z

53

ACTION NEA-12

INFO OCT-01 ADP-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15 USIA-12 IO-13

EUR-25 OMB-01 RSR-01 (ADP) W

----- 096427

R 161130Z JUL 73

FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC 84

INFO AMEMBASSY BERN

AMEMBASSY DACCA

AMCONSUL KARACHI

AMCONSUL LAHORE

AMEMBASSY NEW DELHI

LIMITED OFFICIAL USE ISLAMABAD 5739

E.O. 11652: N/A

TAGS: PFOR, PK, IN, BG

SUBJ: GOP COMPLAINT OVER BANGLADESH WAR CRIMES LEGISLATION

SUMMARY: GOP HAS PASSED AIDE MEMOIRE TO INDIANS THROUGH SWISS DENOUNCING WAR CRIMES LEGISLATION INTRODUCEDLWNT0 BANGLADESH PARLIAMENT JULY 12, WARNING THAT TRIALS WILL BE IPLEGAL AND WILL SET BACK EFFORTS AT RECONCILIATION. ACCORDING AIDE MEMOIRE, GOP WILL NOT RECOGNIZE BANGLADESH IF LATTER PROCEEDS WITH TRIALS. SENIOR GOP OFFICIAL ASKED USG USE ITS INFLUENCE AVERT TRIALS, EXPRESSED FEAR BANGLADESH ACTION MIGHT JEOPARDIZE JULY 24 TALKS. END SUMMARY

1. CHARGE, ACCOMPANIED BY FRENCH AMBASSADOR, CALLED ON ACTING FOREIGN SECRETARY ALTAF SHAIKH JULY 16 AT LATTER'S REQUEST. UNDERSTAND BRITISH CHARGE ALSO INVITED BUT WAS UNABLE BE PRESENT. SHAIKH GAVE EACH COPY OF AIDE MEMOIRE JUST PRESENTED TO SWISS FOR CONVEYANCE TO INDIAN AUTHORITIES. TEXT AIDE MEMOIRE AS LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 ISLAMA 05739 161248Z

FOLLOWS:

QUOTE THE GOVERNMENT OF BANGLADESH IS REPORTED TO BE PROCEEDING WITH THE ADOPTION OF LEGISLATION FOR THE TRIAL OF 195 PAKISTANI PRISONERS OF WAR ON CRIMINAL CHARGES. THIS ACTION OF THE GOVERNMENT OF BANGLADESH REPRESENTS A SERIOUS SET BACK TO THE PROSPECTS OF RECONCILIATION BETWEEN PAKISTAN AND BANGLADESH.

ON ITS PART, THE GOVERNMENT OF PAKISTAN HAS CONSTANTLY STRIVEN TO PAVE THE WAY FOR RECONCILIATION. APART FROM SEVERAL EARLIER GESTURES, STARTING WITH THE RELEASE OF SHEIKH MUJIBUR RAHMAN AND DR. KAMAL HOSSAIN NOW PRIME MINISTER AND FOREIGN MINISTER OF BANGLADESH RESPECTIVELY, THE GOVERNMENT OF PAKISTAN HAS RECENTLY SECURED THE ADOPTION OF A RESOLUTION BY THE NATIONAL ASSEMBLY ENABLING IT TO ACCORD FORMAL RECOGNITION TO BANGLADESH AT A TIME WHEN, AMONG OTHER THINGS, SUCH RECOGNITION "WILL PROMOTE A FRATERNAL RELATIONSHIP BETWEEN THE TWO COMMUNITIES".

IT IS OBVIOUS, HOWEVER, THAT WITHOUT RESTRAINT AND RECIPROCITY, NOT ONLY AN AMICABLE RELATIONSHIP CANNOT BE ESTABLISHED BETWEEN PAKISTAN AND BANGLADESH BUT THE HOPE OF NORMALIZATION OF THE SITUATION IN THE SUBCONTINENT CANNOT BE REALIZED. THE TRANSFER OF PAKISTANI PRISONERS OF WAR BY INDIA TO BANGLADESH WOULD VIOLATE PRINCIPLES OF LAW. THE TRIALS WOULD BE LIKEWISE ILLEGAL. WHAT IS EVEN MORE IMPORTANT THE TRIALS WOULD RE-OPEN THE WOUNDS OF 1971, REVIVE BITTERNESS AND MAKE THE TASKS OF RECONCILIATION VIRTUALLY IMPOSSIBLE. A VERITABLE POINT OF NO RETURN WOULD BE REACHED.

IT IS IMPLICIT IN THE RESOLUTION ADOPTED BY THE NATIONAL ASSEMBLY ON JULY 9, 1973 AND THE STATEMENT GIVEN BY THE PRESIDENT OF PAKISTAN THAT PAKISTAN WILL NOT ACCORD RECOGNITION TO BANGLADESH IF THE GOVERNMENT OF BANGLADESH PROCEEDS WITH THE TRIAL OF PAKISTANI PRISONERS OF WAR. THE RESPONSIBILITY FOR THAT EVENTUALITY WOULD FALL ENTIRELY ON THE GOVERNMENT OF BANGLADESH. UNQUOTE

2. SHAIKH EXPRESSED HOPE THAT US AND FRANCE COULD USE THEIR INFLUENCE TO AVERT WAR CRIMES TRIALS. HE FELT BANGLADESH LEGISLATION TO PREPARE WAY FOR SUCH TRIALS LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 ISLAMA 05739 161248Z

WOULD JEOPARDIZE SCHEDULED JULY 24 TALKS AND WOULD TEND NOT ONLY TO STOP BUT TO "PUT INTO REVERSE GEAR" PROCESS OF SIMLA AGREEMENT IMPLEMENTATION.

3. CHARGE NOTED STATEMENT IN FINAL PARAGRAPH AIDE MEMOIRE THAT GOP "WILL NOT ACCORD RECOGNITION TO BANGLADESH, IF DACCA PROCEEDS WITH TRIALS. HE ASKED HYPOTHETICALLY WHAT GOP REACTION WOULD BE IF BANGLADESH

TRIED ONLY SMALL NUMBER OF PERSONS AND GAVE ASSURANCES THAT SENTENCES WOULD BE COMMUTED. SHAIKH REPLIED THAT AIDESKEMOIRE STATED GOP POSITION "IN PRINCIPLE"; HE COULD NOT SAY HOW SITUATION OF SORT HYPOTHESIZED WOULD TURN OUT.

4. IN ANSWER FURTHER QUESTION, SHAIKH SAID GOP DID NOT HAVE NAMES OF THE 195 PAK POWS THREATENED WITH WAR CRIMES TRIALS. PAKS HAD HEARD RUMORS THAT HIGH RANKING PAK POWS WOULD BE AMONG THOSE TRIED AND SHAIKH HIMSELF HAD BEEN TOLD BY INDIAN JOURNALIST THAT GENERALS NIAZI AND FARMAN ALI WOULD BE AMONG THEM, BUT GOP HAD NO DEFINITE WORD.

ICTM SHAIKH ALSO MENTIONED THAT, WHILE HE WAS NOT SURE, HE BELIEVED MINISTER OF STATE FOR DEFENSE AND FOREIGN AFFAIRS AZIZ AHMED WOULD BE RETURNING TO PAKISTAN FROM HIS CURRENT TRIP ABROAD WITH BHUTTO BY JULY 18 (THIS WOULD GIVE LATTER AMPLE TIME TO PREPARE FOR JULY 24 MEETING WITH INDIANS.)

SANDERHOFF

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 16 JUL 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973ISLAMA05739
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: ISLAMABAD
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730732/aaaaafx.tel
Line Count: 135
Locator: TEXT ON-LINE
Office: ACTION NEA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 03 OCT 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03-Oct-2001 by elyme>; APPROVED <03-Dec-2001 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GOP COMPLAINT OVER BANGLADESH WAR CRIMES LEGISLATION SUMMARY: GOP HAS PASSED AIDE MEMOIRE TO INDIANS THROUGH
TAGS: PFOR, PK, IN, BG
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005